

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDGAR GUZMAN,	:	CIVIL ACTION NO. 1:04-CV-2527
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
P.A. LAINO, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 7th day of September, 2006, upon consideration of the report of the magistrate judge (Doc. 47), to which no objections were filed, recommending the granting of defendants' motion for summary judgment (Doc. 29) on plaintiff's Eighth Amendment denial of medical care claim, and, following an independent review of the record, the court finding that defendants' statement of material facts was properly deemed admitted by plaintiff, see L.R. 56.1 (providing that the moving party's statement of material facts will be deemed admitted unless the non-moving party specifically contradicts the statement), that defendant Ronald A. Laino was not personally involved in plaintiff's medical treatment, see Sutton v. Rasheed, 323 F.3d 236, 249 (3d Cir. 1988) ("[A] defendant in a civil rights action must have personal involvement in the alleged wrongs to be liable."), and that plaintiff was repeatedly afforded medical treatment and only challenges the appropriateness of that treatment, see Monmouth County Corr. Inst. Inmates v. Lanzaro, 834 F.2d 326, 346 (3d Cir. 1987) ("[M]ere disagreement as to the proper medical treatment [does

not] support a claim of an eighth amendment violation.”), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 47) is ADOPTED.¹
2. Defendants’ motion for summary judgment (Doc. 29) is GRANTED. See FED. R. CIV. P. 56(c).
3. The Clerk of Court is directed to enter JUDGMENT against plaintiff and in favor of defendants Ronald A. Laino and Jennifer Holtzapple.
4. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).
5. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ Although the report recommends denying plaintiff’s motion to dismiss defendant’s dispositive motion (Doc. 46), this document is docketed as a brief in opposition; therefore, no action is necessary.